

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NOS.:	CE-02-245a
)		CE-03-245b
HAWAII GOVERNMENT EMPLOYEES)		CE-04-245c
ASSOCIATION, AFSCME LOCAL 152,)		CE-09-245d
AFL-CIO,)		CE-13-245e
)		
Complainant,)	ORDER NO. 1152	
)		
and)	ORDER GRANTING RESPONDENT'S	
)	MOTION FOR PARTICULARIZATION	
JEREMY HARRIS, Mayor of the)		
City and County of Honolulu,)		
)		
Respondent.)		

ORDER GRANTING RESPONDENT'S MOTION FOR PARTICULARIZATION

On February 6, 1995, Respondent JEREMY HARRIS, Mayor of the City and County of Honolulu, by and through his attorney, filed a Motion for Particularization with the Hawaii Labor Relations Board (Board). Respondent contends that Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152, AFL-CIO's (HGEA) complaint is so vague and indefinite that he cannot reasonably be required to frame an answer to the complaint.

Respondent contends that other than providing the date of the alleged violations and the fact that the complaint involves employees from bargaining units 02, 03, 04, 09, and 13, the HGEA's complaint fails to provide sufficient facts upon which a response can be made. Specifically, Respondent contends that the HGEA fails to indicate which City department(s) and/or division(s) committed the alleged prohibited practices. In addition, Respondent contends

that the HGEA fails to include any facts as to names, dates, times, and places involved in the alleged prohibited practices.

Upon review of the HGEA's complaint, the Board finds that the complaint does not contain sufficiently detailed factual allegations with specific references to the alleged improper actions of Respondent. Accordingly, the Board hereby orders Complainant to file a particularization of its allegations with the Board, which shall include:

- (1) The City department(s) and/or division(s) involved in the alleged prohibited practices; and
- (2) Any facts as to names, dates, times, and places involved in the alleged prohibited practices.


The Board hereby directs Complainant to file with the Board an original and five (5) copies of the requested particularization, with proof of service upon Respondent, no later than 4:30 p.m. of the fifth working day after service of this order. If Complainant fails to file and serve the particularization in a timely manner, the Board may dismiss the subject prohibited practice complaint.

Respondent is directed to file with the Board an original and five (5) copies of its answer, with proof of service upon Complainant, no later than 4:30 p.m. of the fifth working day after service of Complainant's particularization. Failure by Respondent to file an answer in a timely manner may constitute an admission of

the material facts alleged in the complaint and a waiver of a hearing.

DATED: Honolulu, Hawaii, February 14, 1995.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

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Joyce Najita, IRC